

ATTACHMENT A

SECOND SUPPLEMENTAL DECLARATION OF JEFF CREAMER

I, Jeff Creamer, hereby declare as follows under the penalty of perjury.

1. I am Jeff Creamer, Chief Executive Officer of NST Global, LLC, d/b/a SB Tactical (“SB Tactical”).

2. This declaration is intended to supplement my initial declaration dated February 8, 2023, and my supplemental declaration dated March 13, 2023. *See* Dkt. #1-10, #66-1.

3. Unless otherwise stated, this declaration is based on my personal knowledge and belief and my review of business records of SB Tactical. If called as a witness, I could and would testify competently to the contents of this declaration.

4. I am over 18 years of age, a citizen of the United States, and of sound mind.

The Rule and Adjudications Continue to Substantially and Irreparably Harm SB Tactical

5. As explained in my prior declarations, SB Tactical’s sales crashed after the Rule was issued on January 31, 2023.

6. SB Tactical’s average monthly brace sales since the issuance of the Rule—that is, February 2023 through September 2023—are down approximately 97% compared to its average monthly sales for the twelve months prior to the issuance of the proposed rule.

7. Prior to the Rule, SB Tactical was a profitable business. But in February

2023, the month after the Rule was promulgated, SB Tactical experienced a net operating loss of \$327,106.

8. Since then, losses have continued to mount. In the eight months following the issuance of the Rule (*i.e.*, February 2023 through September 2023), SB Tactical has averaged a net monthly loss of \$157,373.72.

9. During the same time, SB Tactical has laid off three employees, or 25% of its remaining workforce. These layoffs are in addition to those described in paragraph 43 of my initial declaration.

10. In September 2023, SB Tactical issued a 36% payroll cut for one third of its nine remaining employees.

11. SB Tactical has taken these drastic measures in an attempt to keep the business afloat for the pendency of this litigation. Absent relief, SB Tactical will have to imminently engage in more layoffs and payroll cuts.

12. SB Tactical cannot survive on its current trajectory.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2023

A handwritten signature in dark ink, appearing to read "Jeff Creamer", is written over a horizontal line.

Jeff Creamer
President, SB Tactical, Inc.